

As Passed by the House

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Sub. S. B. No. 131

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Ryan, Shoemaker

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Calvert, Clancy, Jerse, Patton, Hartnett, Otterman, S. Smith, Allen, Fedor,
Britton, Perry, Barrett, Oakar, Sullivan

A B I L L

To enact sections 2305.236 to 2305.239 of the Revised	1
Code to confer two distinct qualified immunities	2
from tort liability upon a shelter for victims of	3
domestic violence and its directors, owners,	4
trustees, officers, employees, victim advocates,	5
and volunteers for harm that family or household	6
members cause to victims of domestic violence or	7
other persons on the shelter's premises, or on	8
premises other than the shelter's premises, under	9
specified circumstances.	10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2305.236, 2305.237, 2305.238, and	11
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2305.239 of the Revised Code be enacted to read as follows: 12

Sec. 2305.236. As used in sections 2305.236 to 2305.239 of 13
the Revised Code: 14

(A) "Conduct" means actions or omissions. 15

(B) "Domestic violence," "shelter," and "shelter for victims 16
of domestic violence" have the same meanings as in section 3113.33 17
of the Revised Code. 18

(C) "Perpetrator" means a person who allegedly has committed 19
domestic violence and who bears one of the relationships specified 20
in division (B) of section 3113.33 of the Revised Code to a victim 21
of domestic violence who is a shelter client. 22

(D) "Harm" means injury, death, or loss to person or 23
property. 24

(E) "Political subdivision" has the same meaning as in 25
section 2744.01 of the Revised Code. 26

(F) "Tort action" means a civil action for damages for 27
injury, death, or loss to person or property other than a civil 28
action for damages for a breach of contract or another agreement 29
between persons. 30

(G) "Volunteer" means an individual who provides any service 31
at a shelter for victims of domestic violence without the 32
expectation of receiving and without receiving any compensation or 33
other form of remuneration, either directly or indirectly, for the 34
provision of the service. 35

(H) "Shelter client" means a person who is a victim of 36
domestic violence and who is seeking to use or is using the 37
services or facilities of a shelter for victims of domestic 38
violence. 39

(I) "Victim advocate" means a person from a crime victim 40

service organization who provides support and assistance for a
victim of a crime during court proceedings and recovery efforts
related to the crime.

(J) "Crime victim service organization" means any
organization that is not organized for profit and that is
organized and operated to provide, or to contribute to the support
of organizations or institutions organized and operated to
provide, services and assistance for victims of crime.

Sec. 2305.237. (A) Except as provided in division (B) of this
section and subject to section 2305.239 of the Revised Code, a
shelter for victims of domestic violence and a director, owner,
trustee, officer, employee, victim advocate, or volunteer of the
shelter are not liable in damages in a tort action for harm that a
shelter client or other person who is on the shelter's premises
allegedly sustains as a result of tortious conduct of a
perpetrator that is committed on the shelter's premises if the
perpetrator is not a director, owner, trustee, officer, employee,
victim advocate, or volunteer of the shelter and if any of the
following situations applies:

(1) The perpetrator illegally entered and illegally remained
on the premises at the time the perpetrator's tortious conduct
allegedly caused the harm sustained by a shelter client or other
person who is on the premises.

(2) The perpetrator legally entered the premises; a director,
owner, trustee, officer, employee, victim advocate, or volunteer
of the shelter instructed the perpetrator to leave the premises,
and took reasonable steps under the circumstances to cause the
perpetrator to leave the premises, before the perpetrator
allegedly caused the harm sustained by a shelter client or other
person who is on the premises; and, despite those reasonable
steps, the perpetrator remained on the premises and committed the

tortious conduct that allegedly caused the harm sustained by a 72
shelter client or other person who is on the premises. 73
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(3) The perpetrator legally entered the premises; a director, 75
owner, trustee, officer, employee, victim advocate, or volunteer 76
of the shelter granted the perpetrator permission to remain on the 77
premises after taking either of the following precautionary steps; 78
and, despite taking either of those steps, the perpetrator 79
committed the tortious conduct that allegedly caused the harm 80
sustained by a shelter client or other person who is on the 81
premises: 82

(a) The director, owner, trustee, officer, employee, victim 83
advocate, or volunteer of the shelter asks a person entering the 84
premises whether the person is related by consanguinity or 85
affinity to or has resided with a shelter client; the person 86
responds that the person is not so related and has not so resided; 87
and the director, owner, trustee, officer, employee, victim 88
advocate, or volunteer, in exercising the reasonable judgment and 89
discretion of a prudent person under similar circumstances, 90
believes that the person is not so related and has not so resided. 91

(b) The director, owner, trustee, officer, employee, victim 92
advocate, or volunteer of the shelter asks a person entering the 93
premises whether the person is related by consanguinity or 94
affinity to or has resided with a shelter client; the person 95
responds that the person is so related or has so resided; and the 96
director, owner, trustee, officer, employee, victim advocate, or 97
volunteer, in exercising the reasonable judgment and discretion of 98
a prudent person under similar circumstances, determines that 99
granting the person permission to remain on the premises does not 100
appear to pose a threat of harm to a shelter client or other 101
person who is on the premises. 102

(B) The immunity from tort liability conferred by division 103

(A) of this section is not available to a shelter for victims of domestic violence or a director, owner, trustee, officer, employee, victim advocate, or volunteer of the shelter if the plaintiff in a tort action establishes, by clear and convincing evidence, that a director, owner, trustee, officer, employee, victim advocate, or volunteer of the shelter contributed to the harm sustained by a shelter client or other person who is on the shelter's premises, by an action or omission that involved malicious purpose, bad faith, or wanton or reckless conduct. For purposes of this division, "reckless conduct" includes the release of confidential information that pertains to a shelter client.

Sec. 2305.238. (A) Except as provided in division (B) of this section and subject to section 2305.239 of the Revised Code, a shelter for victims of domestic violence and a director, owner, trustee, officer, employee, victim advocate, or volunteer of the shelter are not liable in damages in a tort action for harm that a shelter client or other person who is on the premises allegedly sustains as a result of tortious conduct of a perpetrator that is committed on premises other than the shelter's premises if the perpetrator is not a director, owner, trustee, officer, employee, victim advocate, or volunteer of the shelter and if both of the following apply when the harm is caused:

(1) A director, owner, trustee, officer, employee, victim advocate, or volunteer of the shelter is providing assistance to a shelter client, including, but not limited to, accompanying the client to a health care practitioner's or attorney's office.

(2) The director, owner, trustee, officer, employee, victim advocate, or volunteer of the shelter is engaged in the course of that director's, owner's, trustee's, officer's, employee's, victim advocate's, or volunteer's employment, official responsibilities, or authorized services for the shelter.

(B) The immunity from tort liability conferred by division 135
(A) of this section is not available to a shelter for victims of 136
domestic violence or a director, owner, trustee, officer, 137
employee, victim advocate, or volunteer of the shelter if the 138
plaintiff in a tort action establishes, by clear and convincing 139
evidence, that a director, owner, trustee, officer, employee, 140
victim advocate, or volunteer of the shelter contributed to the 141
harm sustained by a shelter client or other person who is on the 142
premises, by an action or omission that involved malicious 143
purpose, bad faith, or wanton or reckless conduct. For purposes of 144
this division, "reckless conduct" includes the release of 145
confidential information that pertains to a shelter client. 146

Sec. 2305.239. (A) Sections 2305.237 and 2305.238 of the 147
Revised Code do not create a new cause of action or substantive 148
legal right against a shelter for victims of domestic violence or 149
a director, owner, trustee, officer, employee, victim advocate, or 150
volunteer of the shelter. 151

(B) Sections 2305.237 and 2305.238 of the Revised Code do not 152
affect any immunities from civil liability or defenses established 153
under section 2305.234, 2744.02, or 2744.03 or another section of 154
the Revised Code or available at common law to which a shelter for 155
victims of domestic violence, a director, owner, trustee, officer, 156
employee, victim advocate, or volunteer of the shelter, or a 157
political subdivision associated with the shelter may be entitled 158
in connection with alleged tort liability of third parties or in 159
connection with circumstances not covered by section 2305.237 or 160
2305.238 of the Revised Code. 161

Section 2. Sections 2305.236 to 2305.239 of the Revised Code, 162
as enacted by this act, apply only to causes of action for harm 163
that shelter clients or other persons allegedly sustain on or 164
after the effective date of this act on or off the premises of a 165

shelter for victims of domestic violence.

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